

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant	: Keiichi KOSHIBA	Group Art Unit: 2424
Appln. No.	: 09/610,107	Examiner: A. Q. Shang
Filed	: July 5, 2000	Confirmation No.: 4696
For	: DATA MANAGEMENT METHOD AND SYSTEM, AND APPARATUS USED THEREIN	

REPLY BRIEF UNDER 37 C.F.R. §41.41

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Brief - Patents
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

In response to the Examiner's Answer, dated July 9, 2009, to the Appeal Brief filed March 26, 2009, for which a two-month period for filing a Reply Brief under 37 C.F.R. §41.41 is set to expire on September 9, 2009, Appellant submits the present Reply Brief.

Appellant maintains that each reason set forth in the Appeal Brief filed March 26, 2009 for the patentability of the pending claims is correct and again request that the decision to reject claims 50-51, 54-75 and 84-89 be reversed and that the application be returned to the Examining Group for allowance.

REMARKS

The Appeal Brief filed March 26, 2009 has fully addressed the substance of the Examiner's rejections and the requirements for patentability under 35 U.S.C. §102 and 35 U.S.C. §103. Accordingly, the herein-contained remarks are merely supplemental to the remarks in the Appeal Brief.

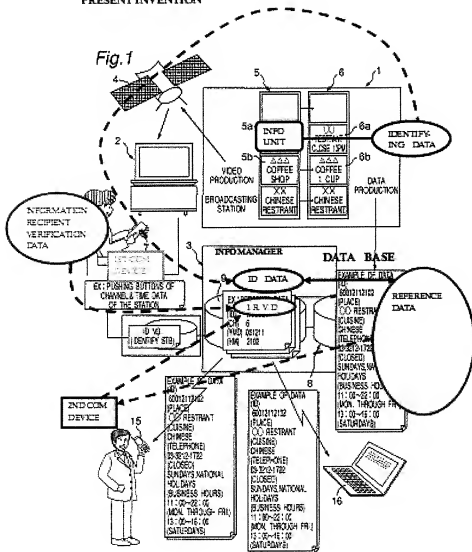
Numerous deficiencies of the rejections of claims 50-51, 54-75 and 84-89 under 35 U.S.C. §102 and 35 U.S.C. §103 were set forth in Appellant's Appeal Brief, and not refuted or properly countered in the Examiner's Answer. Nevertheless, Appellant begins the presentation in this Reply Brief by noting again that the method of exemplary independent claim 50 involves:

- a broadcast program
- information units provided as part of the broadcast program and carrying information representing one of various items in the broadcast program
- an information recipient verification data that identifies an information recipient
- identifying data particular to and distinctly identifying an information unit selected by the information recipient
- reference data associated with and defining features of the information unit selected by the information recipient

Concept of the Appellant's Claimed Invention

Explanatory Figure 1 shown on the page below corresponds to Figure 1 of the present application, with elements of exemplary claim 50 added diagrammatically.

PRESENT INVENTION



As shown in explanatory Figure 1 above, an item such as a coffee shop, a hat of an actress, or a car, is displayed on a TV screen, and an information unit is all or part of such an item. Each information unit is assigned with an identifying data (labeled as Identifying Data and as ID DATA in Figure 1). When a user designates one of the information units on the screen by using the first communications device, the identifying data of the designated information unit is transmitted, together with information recipient verification data (labelled as I.R.V.D. in Figure

1), to the information manager. In the information manager, the identifying data is stored in a database in association with the information recipient verification data, and the identifying data is linked in a database to reference data. The reference data provides more information of the information unit. Later, when the user accesses the information manager through the use of the second communications device by sending his/her information recipient verification data, the user can access the reference data linked to the identifying data, i.e., for the previously-selected information unit.

According to the present invention, it is not necessary for the first communications device to receive the reference data. Rather, the first communications device in claim 50 is only required to send the identifying data and the information recipient verification data to the information manager. As an example, the user may point to the information unit on the screen, and click so that the identifying data and information recipient verification data is sent to the information manager. In this example, the first communications device could be assembled as a very simple structure, such as a mouse which can change the cursor position and be clicked by a user. Therefore, the user can select any and all information units of interest on the screen. The information recipient verification data and the identifying data of the selected information units are stored in the database for future consideration. When the user wishes to receive detailed information of the selected information unit, the user uses the second communications device to access the reference data. Thus, use of the claimed invention enables the user to receive detailed information of the earlier-selected information unit through the second communications device.

Concept of FERRIS

Explanatory Figure 3 shown on the page below corresponds to Figure 3 of FERRIS, also with elements of exemplary claim 50 added diagrammatically.

FERRIS et al. (US 2006/0288374)

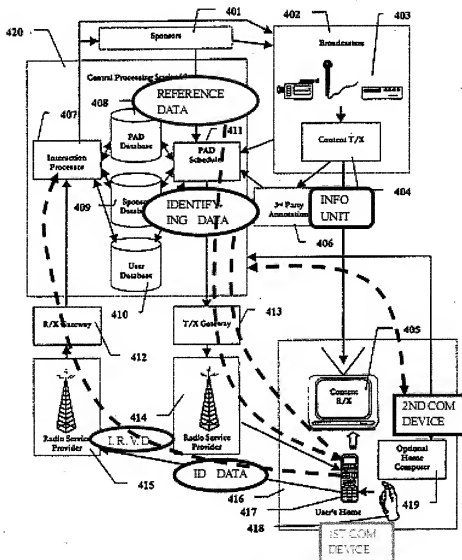


Figure 3

As shown in explanatory Figure 3 above, an information unit of claim 50 would be the power drill shown on the TV screen in FERRIS. The identifying data of claim 50 would be the

unique identification number (PADUID) representing the information unit (power drill) in FERRIS, as described in paragraph [0052]. The PADUID is transmitted from the central control system 420, through the cellular network in FERRIS, as described in paragraph [0053]. The PADUID is transmitted to the remote control device 417. The remote control device 417 would correspond to the first communications device in claim 50. Additionally, information shown in Figures 2A to 2L in FERRIS is transmitted from the central control system 420, through the cellular network, to the remote control device 417 (i.e., to the first communications device). Then, as described at paragraph [0056] in FERRIS, the remote control device 417 transmits interaction data resulting from user input, together with a user id (corresponding to the information recipient verification data of the present invention) and the PADUID (corresponding to the identification data of the present invention), back to the central control station 420

features relating to Appellant's information units are not disclosed in FERRIS

As another example of the continued deficiency of the bases for the rejections under 35 U.S.C. §102 and 35 U.S.C. §103, Appellant again notes that program associated data (PAD) and program associated data unique identification (PADUID) in FERRIS are provided by radio service provider 414 and are separate from content provided by the Content T/X 404. The program associated data (PAD) and program associated data unique identification (PADUID) in FERRIS do not disclose or suggest the characteristic features of the information units recited in claim 50. Moreover, no other teaching in FERRIS is analogous to the information units recited in claim 50.

The Examiner's Answer reflects a fundamental misunderstanding of an "information unit" as in Appellant's claims. In this regard, at page 3 the Examiner's Answer cites

broadcasters 402 in Figure 3 of FERRIS as disclosing features of providing a plurality of information units as in claim 50. However, broadcasters 402 in Figure 3 of FERRIS are not themselves “information units” as in claim 50, as the broadcasters 402 cannot conceivably be considered a “part of a broadcast program and carrying information representing one of various items in said broadcast program”. Further, broadcasters 402 cannot conceivably be considered selectable by an “information recipient”, or as including features defined by and associated with reference data linked in a database to identifying data which is in turn particular to and distinctly identifying the selected information unit. The only reasonable interpretation of broadcasters 402 in FERRIS is as conventional broadcasters that broadcast a “broadcast program” as in claim 50, FERRIS is not reasonably interpretable as disclosing that broadcasters 402 broadcast “information units” as in claim 50.

At page 3 the Examiner’s Answer also states that content is “processed by a plurality of units where the combined content stream is fed into transmission mechanism 404 for broadcast to user’s home”. However, nothing in a conventional content stream broadcast by broadcasters 402 in FERRIS is properly interpreted as an “information unit” as in claim 50. Although not clear, it is possible that the Examiner is misinterpreting the “information unit” in claim 50 as a device or a machine. In Appellant’s claimed invention, an information unit is only interpretable as data information and not a device, and the rejections of Appellant’s claims does not include a coherent explanation of how FERRIS is being interpreted as somehow disclosing information units of claim 50.

At pages 10 and 11 of the Examiner’s Answer, the Examiner addresses Appellant’s arguments such as those set forth above by asserting that BCS-402 in FERRIS inserts “information items” within appropriate portions of a stream. However, there is no explanation in

the Examiner's Answer as to what in FERRIS is being cited by the Examiner; nor is there any explanation as to how any such "information items" would meet the numerous characteristics of the "information units" recited in Appellant's claims.

As noted above and in Appellant's Appeal Brief, the PAD and PADUID in FERRIS are the only teachings in FERRIS somewhat analogous to Appellant's "information units". However, these PAD and PADUID do not meet various characteristics of the "information units" recited in Appellant's claims, and these PAD and PADUID are not asserted by the Examiner as disclosing or suggesting the "information units" recited in Appellant's claims. Accordingly, there is no proper basis for the Examiner's interpretation of FERRIS as somehow disclosing or suggesting the features relating to the "information units" in Appellant's claims.

features of claimed reference data are not disclosed by a transaction history in FERRIS

As another example of the continued deficiency of the bases for the rejections under 35 U.S.C. §102 and 35 U.S.C. §103, Appellant again notes that a transaction history in FERRIS is the closest analogy to reference data in Appellant's claims. However, a transaction history in FERRIS is not detailed beyond a brief description at paragraph [0061] that indicates the transaction history is held in a database 410 of the central processing station 420 so that a user can obtain and review the transaction history using the home computer 419. However, the transaction history noted at paragraph [0061] in FERRIS does not disclose the reference data in claim 50, as FERRIS does not disclose that the transaction history is linked in a database to identifying data or that the transaction history is associated with and defining of features of an information unit selected by the information recipient.

Moreover, while this transaction history in FERRIS is the closest analogy in FERRIS to the reference data in Appellant's claims, the transaction history in FERRIS would be information of an individual transaction involving an individual user. In contrast, reference data in claim 50 would be considered public data not specific to an individual transaction, as reference data in claim 50 is associated with and defining features of an information unit selected by the information recipient, and the information unit is part of a broadcast program that would be understood as public and not specific to an individual recipient. These transaction histories are also not disclosed to be reference data "associated with and defining features of the information unit" selected by the information recipient. There is no explanation provided in the Examiner's Answer or the prosecution history generally as to how a transaction history or any other teaching in FERRIS would meet or suggest these characteristic features of reference data in Appellant's claim 50.

The Response to Arguments in the Examiner's Answer does not address Appellant's arguments in the Appeal Brief as to the failure of FERRIS to disclose or suggest features relating to the reference data recited in Appellant's claims. Accordingly, there is no proper basis for the Examiner's interpretation of FERRIS as somehow disclosing or suggesting the features relating to the "reference data" in Appellant's claims.

features relating to claimed reference data are not disclosed in FERRIS Figures 2A-2L

At page 6, the Examiner asserts, with respect to claim 59, that the reference data in Appellant's claims is disclosed in FERRIS at [0065-0069] and [0095-0101]. According to this assertion, the pieces of information shown in Figures 2A to 2L correspond to the reference data of the present invention. However, according to FERRIS, it is necessary for the remote control

device 417 (first communications device in claim 50) to receive and display the pieces of information shown in Figures 2A to 2L and cited by the Examiner.

A remote control device 417 in FERRIS could not be assembled in a very simple structure in comparison to the present invention, at least because the remote control device 417 is required to receive the information shown in Figures 2A to 2L. This purported “reference data” of claim 50 (as cited by the Examiner) is received by the user through the first communications device and if the user is interested in buying the power drill, the user sends the user id (corresponding to I.R.V.D. of the present invention) and the PADUID (corresponding to the ID DATA of the present invention) back to the central control station 420. Thus, the invention of FERRIS is completed by enabling the user to receive the detailed information of the power drill (selected information unit) through the remote control device 417 (first communications device), and to send purchase information back to the central control station 420.

The home computer 419 (second communications device) is not used for receiving this purported “reference” data (as asserted by the Examiner) of the power drill (selected information unit). Thus, the Examiner’s assertions in the Reply Brief with respect to claim 59 foreclose the possibility of FERRIS disclosing the reference data in exemplary claim 50.

As apparent from the above, the concept of the present invention is different from that of FERRIS. Also, the first communications device of the present invention is different from the remote control device 417, because it is sufficient for the first communications device to send the identifying data and the information recipient verification data to the information manager. According to the present invention, it is not necessary for the first communications device to receive or send the reference data.

Conclusion

As explained above, none of program associated data (PAD), program associated data unique identification (PADUID), or broadcast content in FERRIS disclose or suggest the characteristic uses of “information units” as in claim 50, i.e., each being “part of a broadcast program and carrying information representing one of various items in a broadcast program”. Further, transaction histories and data shown in Figures 2A to 2L in FERRIS do not disclose or suggest features relating to the “reference data” as recited in claim 50.

Deficiencies similar to those noted above are evident in the rejections with respect to the similar features of Appellant’s other independent claims, i.e., claims 75 and 84-85. A detailed listing of the deficiencies in the rejections of both independent and several dependent claims is set forth in Appellant’s Appeal Brief, and not properly countered in the Examiner’s Answer. Rather than repeat the entire set of deficiencies noted in the discussion in the Appeal Brief, Appellant’ reiterates that each of the reasons set forth in Appellant’s Appeal Brief as to the allowability of claims 50-51, 54-75 and 84-89 under 35 U.S.C. §102 and 35 U.S.C. §103 is believed correct. Claims 50-51, 54-75 and 84-89 are not rendered disclosed or rendered obvious by FERRIS. Accordingly, Appellant again maintains that the decision of the Examiner to reject claim 50-51, 54-75 and 84-89 under 35 U.S.C. §102 or 35 U.S.C. §103 should be reversed for at least the reasons set forth above as well as the reasons set forth in exhaustive detail in Appellant’s Appeal Brief.

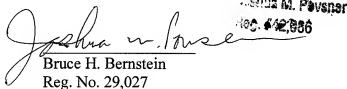
At least for each of the reasons set forth above, the decisions to reject claims 50-51, 54-75 and 84-89 under 35 U.S.C. §102 or 35 U.S.C. §103 is improper, each pending claim of the present application meets the requirements for patentability under 35 U.S.C. §102 and 35 U.S.C. §103, and the present application and each pending claim thereof is allowable over the prior art

of record. Accordingly, reversal of the decision to reject claims 50-51, 54-75 and 84-89 is respectfully requested.

Accordingly, the Board of Patent Appeals and Interferences is respectfully requested to reverse the Examiner's decision to reject claims 50-51, 54-75 and 84-89.

If there are any questions about this application, any representative of the U.S. Patent and Trademark Office is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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September 9, 2009
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